

## **REMARKS**

### **Examiner's Action**

Claims 1-5 are all the claims pending in the application. Claims 2-5 are withdrawn from consideration as being drawn to a non-elected invention. Claim 1 presently stands rejected.

### **I. Restriction and Election of Species**

In the Response to Restriction and Election of Species Requirement filed on July 11, 2006, Applicant elected Group I, claims 1, 2, 4 and 5 for examination. Further, Applicant elected Species I, Figs. 1-9 for examination on which claim 1 is readable. The Examiner has withdrawn all claims except claim 1 from the application. The Examiner's previous indication that claim 3 was allowed is now moot.<sup>1</sup>

### **II. IDS**

The Examiner has again indicated that the listing of references in the specification is not a proper Information Disclosure Statement. However, there is no listing of references in the specification. **Applicants again request clarification from the Examiner in the next Office action.**

### **III. Claims**

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Hiyoshi et al. (JP 2002-21519).

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<sup>1</sup> In the Office Action mailed November 28, 2005, the Examiner indicated that claim 3 was allowed.

July 30, 2002 is the actual publication date of JP 2002-210519. Based on this publication date, since JP'519 was published less than a year before Applicants' filing date of July 25, 2003, JP '519 does not qualify as prior art under 35 U.S.C. § 102(b).

Moreover, this publication is Applicants' own work, and thus does not qualify as prior art under 35 U.S.C. § 102(a).

The pending application is based on two Japanese Patent Applications, including the cited JP 2002-210519. The English language Abstract incorrectly lists the second inventor as "Shigenori Eguchi" instead of correctly listing him as "Shigeki Eguchi".

Thus, JP' 519 and the pending application were derived by the same entities.

A Declaration under 37 C.F.R. § 1.132 is being submitted herewith, which attests to the fact that the JP 2002-210519 has a typographical error, and that the documents were derived by the same entities.

In view of the foregoing, JP '519 should be withdrawn as prior art accordingly. Since no prior art rejections should remain, claim 1 is now believed to be in condition for allowance.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/626,739  
Attorney Docket No.: Q76609

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

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